

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Civil No. 07-cv-10-PB

Davenport Realty Trust and
Red Hill Trust

REPORT AND RECOMMENDATION

Plaintiff United States has moved for entry of a default judgment pursuant to Federal Rule of Civil Procedure 55(b) against defendant Red Hill Trust ("RHT"). The matter was referred to me for hearing and a recommendation of disposition.

See 28 U.S.C. § 636(b)(1). As default was entered against RHT on October 14, 2009, for its having failed to appear (document no. 53), see Fed. R. Civ. P. 55(a), see also United States District Court for the District of New Hampshire Local Rule ("LR") 83.6(c) and (d), a damages hearing is not appropriate. See id.

(precluding trusts from appearing pro se). All remaining claims have been resolved pursuant to the Consent Decree entered by the court on March 8, 2010 (document no. 59). Because default has been entered against RHT and plaintiff has filed the requisite affidavit showing the amount due from RHT, see Fed. R. Civ. P.

55(b)(1), I recommend that default judgment be entered as follows:

Default judgment in the amount of \$8,272,224.83 in favor of the United States for all unrecovered response costs incurred in connection with the Beede Waste Oil Superfund Site, plus interest in the amount accruing from the date of entry of this default judgment pursuant to 28 U.S.C. § 1961.

Any objections to this report and recommendation must be filed within fourteen (14) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the district court's order. See Unauth. Practice of Law Comm. v. Gordon, 979 F.2d 11, 13-14 (1st Cir. 1992); United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986).

/s/ Landya B. McCafferty
Landya B. McCafferty
United States Magistrate Judge

Date: June 2, 2010

cc: Jeffrey A. Sands, Esquire
Edwin Quinn